

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DYONTE SCOTT,

Defendant.

CR 24–5–BU–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 73.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Defendant Dyonte Scott is charged with one count of conspiracy to commit bank fraud, in violation of 18 U.S.C. § 1349 (Count 1); three counts of bank fraud, in violation of 18 U.S.C. §§ 1344, 2 (Counts 2–4); one count of possession of stolen U.S. treasury check, in violation of 18 U.S.C. §§ 510(b), 2 (Count 5); three

counts of aggravated identity theft, in violation of 18 U.S.C. §§ 1028A(a)(1), 2 (Counts 6–8); and two counts of obstruction, in violation of 18 U.S.C. §§ 1512(c)(1), 2, as set forth in the Indictment. (Doc. 1.) Judge DeSoto recommends that this Court accept Scott’s guilty plea as to the Count 1, Count 5, and Count 8 after Scott appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto’s Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Judge DeSoto’s Findings and Recommendation (Doc. 73) is ADOPTED in full.

IT IS FURTHER ORDERED that Scott’s motion to change plea (Doc. 42) is GRANTED.

IT IS FURTHER ORDERED that Scott is adjudged guilty as charged in Count 1, Count 5, and Count 8 of the Indictment.

DATED this 5th day of August, 2024.



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Dana L. Christensen, District Judge  
United States District Court